

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

OKLAHOMA FARM BUREAU MUTUAL)	
INSURANCE COMPANY AS SUBROGEE,)	Case No.CIV-22-18-D
OF MICHEL DIEL)	
Plaintiffs,)	Removed from the District Court
)	Garfield County, Oklahoma
v.)	Case No. CJ-2021-254-02
)	
OMEGA FLEX, INC.,)	
)	
Defendant.)	

**THE PARITES’ CONSENT MOTION FOR AN ORDER
SETTING INITIAL PRE-TRIAL FILING DEADLINES ON MAY 17, 2024**

The Parties jointly request that the Court enter an Order setting May 17, 2024 as the initial deadline for pretrial filings that were previously contemplated to be filed starting on September 1, 2023. [Doc. 23, the “Amended Scheduling Order”]. On July 31, 2023, the Court granted a consent motion to stay pretrial deadlines under the Amended Scheduling Order in light of Omega Flex’s pending Rule 702 motions dispositive motion. [Doc. 47]. The Court recently denied Omega Flex’s dispositive motion on March 18, 2024. [Doc. 65]. The Parties agree that a May 17, 2024 deadline provides the Parties with a reasonable and adequate time to prepare these substantial filings, that no party is prejudiced by an Order entering that date certain, and that a May 17, 2024 deadline will not delay resolution of this matter.

The Order requested herein is consistent with the stay because all dates in the Amended Scheduling Order have long since expired and the parties could not predict when

or how the Court might rule on the pending motions. A trial date has not been scheduled, so there is no impact to an existing trial date. May 17, 2024 is a short time away, and as noted, this is a joint request, so there is no possible prejudice at issue. The Parties therefore respectfully request that the Court enter the relief requested. A Proposed Order follows.

RELIEF REQUESTED

Omega Flex requests that the Court enter an Order setting May 17, 2024 as the deadline for:

- Designations of deposition testimony to be used at trial. Objections and counter-designations to be filed 7 days thereafter. Objections to counter-designations to be filed 7 days thereafter.
- Motions *in limine*.
- Requested *voir dire* to be filed.
- Requested jury instructions to be filed.
- All objections or responses to trial submissions due May 14, 2024 to be filed within 14 days thereafter.
- Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules, together with a proposed order approved the report to be submitted to the Court.

Dated: April 15, 2024

Respectfully submitted by,

/s/ William R. Cathcart

William R. Cathcart

Cathcart & Dooley, P.C.

2807 Classen Blvd.

Oklahoma City, Oklahoma 73106

Off: 405-524-1110

Fax: 405-524-4143

Counsel for Plaintiff Oklahoma Farm Bureau

Mutual Insurance Company a/s/o Michael Diel

bcathcart@cathcartdooley.com

/s/ Adam M. Masin

Adam M. Masin, Esq.

Cullen W. Guilmartin (admitted *pro hac vice*)

GORDON & REES LLP

95 Glastonbury Blvd., Suite 206

Glastonbury, CT 06033

(860) 494-7542

(860) 560-0185 (fax)

amasin@grsm.com

cguilmartin@grsm.com

Counsel for Defendant Omega Flex, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

OKLAHOMA FARM BUREAU)	
MUTUAL INSURANCE COMPANY)	Case No. 5:22-cv-00018-D
AS SUBROGEE OF MICHAEL DIEHL)	
)	
Plaintiffs,)	
)	
v.)	
)	
OMEGA FLEX, INC.)	
)	
Defendant.)	

[PROPOSED] ORDER

The Parties' Joint Motion To Set The Initial Pretrial Filing Deadline on May 17, 2024 is GRANTED. The Court hereby sets May 17, 2024 as the deadline for:

- Designations of deposition testimony to be used at trial. Objections and counter-designations to be filed 7 days thereafter. Objections to counter-designations to be filed 7 days thereafter.
- Motions *in limine*.
- Requested *voir dire* to be filed.
- Requested jury instructions to be filed.
- All objections or responses to trial submissions due May 14, 2024 to be filed within 14 days thereafter.
- Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules, together with a proposed order approved the report to be submitted to the Court.

IT IS SO ORDERED.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2024, a copy of the foregoing **CONSENT MOTION FOR AN ORDER SETTING INITIAL PRE-TRIAL FILING DEADLINES ON MAY 17, 2024** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

By: /s/ Adam M. Masin
Adam M. Masin